

REMARKS

Claims 1-15 stand rejected. Claims 1-15 remain pending in this patent application. Applicants respectfully request further examination and reconsideration in view of the remarks set forth below. Applicants respectfully submit that the amendments to this patent application herein do not add new matter to it.

35 U.S.C. §102 Rejections

Claims 1-15 of the present application are rejected under 35 U.S.C. §102(e) as being anticipated by Mogul et al., US Patent Number 6,243,761 (hereinafter Mogul). The Applicants have reviewed the Mogul reference and, for the following rationale, Applicants respectfully submit that the present invention is not anticipated nor rendered obvious by the Mogul reference.

CLAIM 1

Applicants respectfully contend that the Mogul reference fails to teach or suggest subject matter recited in newly amended independent Claim 1. For instance, amended Claim 1 recites in part (emphasis added):

an adaptive load control system coupled to the content server to pass the access requests to the content server, wherein the adaptive load control system modifies an access request address to access the corresponding content file in the adapted content format instead of in the full content format when the content server is in an overload condition such that the content server is maintained at safe load conditions.

Applicants respectfully assert that Mogul does not teach or suggest an adaptive load control system that modifies an access request address to access the corresponding content file in the adapted content format instead of in the full content format when the content server is in an overload condition as recited in amended Claim 1. Since Mogul fails to teach or suggest at least one element recited in amended Claim 1, Applicants respectfully contend that Mogul cannot anticipate nor render obvious the subject matter recited in amended Claim 1.

Based on the above rationale, Applicants respectfully submit that newly amended independent Claim 1 is not anticipated nor rendered obvious by Mogul. Therefore, Applicants respectfully submit amended Claim 1 is allowable over Mogul.

CLAIM 9

Applicants respectfully contend that the Mogul reference does not teach or suggest subject matter recited in newly amended independent Claim 9. For instance, amended Claim 9 recites in part (emphasis added):

if the content server is determined to be in an overload condition, then modifying the access request address to access the corresponding content file in an adapted content format instead of in a full content format, the adapted content format is less resource-intensive to serve than the same file in the full content format such that the content server is maintained at the safe load conditions.

Applicants respectfully assert that Mogul fails to teach or suggest a method that modifies an access request address to access the corresponding content file in the adapted content format instead of in a full content format when the content server is in

an overload condition as recited in amended Claim 9. Since Mogul does not teach or suggest at least one element recited in amended Claim 9, Applicants respectfully contend that Mogul cannot anticipate nor render obvious the subject matter recited in amended Claim 9.

Based on the above rationale, Applicants respectfully submit that newly amended independent Claim 9 is not anticipated nor rendered obvious by Mogul. Therefore, Applicants respectfully submit amended Claim 9 is allowable over Mogul.

CLAIM 2

Applicants respectfully contend that the subject matter of dependent Claim 2 is not anticipated nor rendered obvious by Mogul based on the same rationale discussed above for amended independent Claim 1 from which Claim 2 depends. Furthermore, Applicants respectfully assert that Mogul does not teach or suggest subject matter recited in newly amended Claim 2. For instance, amended Claim 2 recites in part (emphasis added):

wherein the adaptive load control system modifies the access request address to access the corresponding content file in the full content format instead of in the adapted content format when the content server is not in the overload condition.

Applicants respectfully contend that Mogul fails to teach or suggest an adaptive load control system that also modifies an access request address to access the corresponding content file in the full content format instead of in the adapted content format when the content server is not in an overload condition as recited in amended

Claim 2. Since Mogul does not teach or suggest at least one element recited in amended Claim 2, Applicants respectfully assert that Mogul cannot anticipate nor render obvious the subject matter recited in amended Claim 2.

Based on the above rationale, Applicants respectfully submit that newly amended Claim 2 is not anticipated nor rendered obvious by Mogul. Therefore, Applicants respectfully submit amended Claim 2 is allowable over Mogul.

CLAIM 10

Applicants respectfully assert that the subject matter of dependent Claim 10 is not anticipated nor rendered obvious by Mogul based on the same rationale discussed above for amended independent Claim 9 from which Claim 10 depends. Furthermore, Applicants respectfully contend that Mogul does not teach or suggest subject matter recited in newly amended Claim 10. For instance, amended Claim 10 recites in part (emphasis added):

further comprising modifying the access request address to access the corresponding content file in the full content format instead of in the adapted content format when the content server is determined not to be in the overload condition.

Applicants respectfully assert that Mogul fails to teach or suggest a method that also modifies an access request address to access the corresponding content file in the full content format instead of in the adapted content format when the content server is in an overload condition as recited in amended Claim 10. Since Mogul does not teach or suggest at least one element recited in amended Claim 10, Applicants respectfully

contend that Mogul cannot anticipate nor render obvious the subject matter recited in amended Claim 10.

Based on the above rationale, Applicants respectfully submit that newly amended Claim 10 is not anticipated nor rendered obvious by Mogul. Therefore, Applicants respectfully submit amended Claim 10 is allowable over Mogul.

CLAIM 3

Applicants respectfully assert that the subject matter of dependent Claim 3 is not anticipated nor rendered obvious by Mogul based on the same rationale discussed above for amended independent Claim 1 from which Claim 3 depends. Furthermore, Applicants respectfully contend that Mogul does not teach or suggest subject matter recited in newly amended Claim 3. For instance, amended Claim 3 recites in part (emphasis added):

wherein the adaptive load control system further comprises:

a load monitor that monitors the load condition of the content server; and
a content adapter coupled to the load monitor and the content server to modify the access request address to access the corresponding content file in the adapted content format instead of in the full content format when the load monitor indicates that the content server is in the overload condition.

Applicants respectfully assert that Mogul fails to teach or suggest an adaptive load control system that includes a load monitor and a content adapter, wherein the content adapter is coupled to the load monitor and the content server as specifically recited in amended Claim 3. Since Mogul does not teach or suggest at least one element

recited in amended Claim 3, Applicants respectfully contend that Mogul cannot anticipate nor render obvious the subject matter recited in amended Claim 3.

Based on the above rationale, Applicants respectfully submit that newly amended Claim 3 is not anticipated nor rendered obvious by Mogul. Therefore, Applicants respectfully submit amended Claim 3 is allowable over Mogul.

CLAIM 4

Applicants respectfully contend that the subject matter of dependent Claim 4 is not anticipated nor rendered obvious by Mogul based on the same rationale discussed above for amended Claims 1 and 3 from which Claim 4 depends. Additionally, Applicants respectfully assert that Mogul does not teach or suggest subject matter recited in newly amended Claim 4. For instance, amended Claim 4 recites in part (emphasis added):

wherein the adaptive load control system further comprises an adaption controller coupled to the load monitor and the content adapter to cause the content adapter to modify the access request address to access the corresponding content file in the adapted content format instead of in the full content format when the load monitor indicates that the content server is in the overload condition.

Applicants respectfully assert that Mogul fails to teach or suggest an adaptive load control system that includes an adaption controller along with a load monitor and a content adapter, wherein the adaption controller is coupled to the load monitor and the content adapter as recited in amended Claim 4. Since Mogul fails to teach or suggest at least one element recited in amended Claim 4, Applicants respectfully contend that

Mogul cannot anticipate nor render obvious the subject matter recited in amended Claim 4.

Based on the above rationale, Applicants respectfully submit that newly amended Claim 4 is not anticipated nor rendered obvious by Mogul. Therefore, Applicants respectfully submit amended Claim 4 is allowable over Mogul.

CLAIM 14

Applicants respectfully assert that the subject matter of dependent Claim 14 is not anticipated nor rendered obvious by Mogul based on the same rationale discussed above for amended Claim 9 from which Claim 14 depends. Furthermore, Applicants respectfully contend that Mogul does not teach or suggest subject matter recited in newly amended Claim 14. For instance, amended Claim 14 recites in part (emphasis added):

further comprising determining an estimated utilization of the content server by estimating an amount of time the content server spends serving the external access requests.

Applicants respectfully assert that Mogul fails to teach or suggest determining an estimated utilization of a content server by estimating an amount of time the content server spends serving external access requests as recited in amended Claim 14. Since Mogul does not teach or suggest at least one element recited in amended Claim 14, Applicants respectfully contend that Mogul cannot anticipate nor render obvious the subject matter recited in amended Claim 14.

Based on the above rationale, Applicants respectfully submit that newly amended Claim 14 is not anticipated nor rendered obvious by Mogul. Therefore, Applicants respectfully submit amended Claim 14 is allowable over Mogul.

CONCLUSION

In light of the above listed remarks, Applicants respectfully request reconsideration of rejected Claims 1-15.

Based on the remarks presented above, Applicants respectfully assert that Claims 1-15 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present application.

Respectfully submitted,

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